p 9

1929

O.F. 71.8.11

Department of Rev.

OFFICE Board of Rev

STATION Madras

Pet Mis No. 1425

B 650

Dated 22.5.29

To whom sent	Date	Initial
	Given for copying	
	Copied	
	Examined	
	Signed	
	Given for despatch	
	Despatched	
Pages in the file	Indexed	26
	To be destroyed on*	

(SUBJECT.)

Enclt (S. Kanara)

Mangalore tac.

Oddya vge. S.no. 62-8A/1A3. Eviction

D- Poojari. Revn petn. Orders passed

Not to be filled in in the case of permanent records.

— 1 — B650

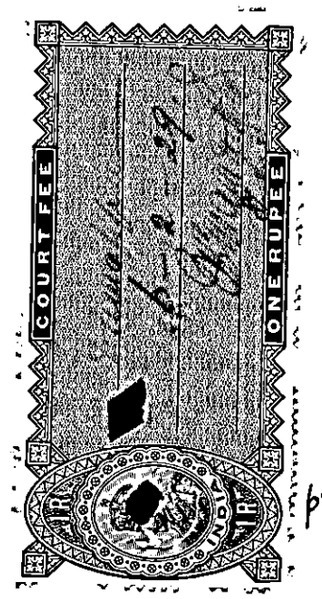
To

The Honorable Commissioner

Board of Revenue ,

(Land Revenue),

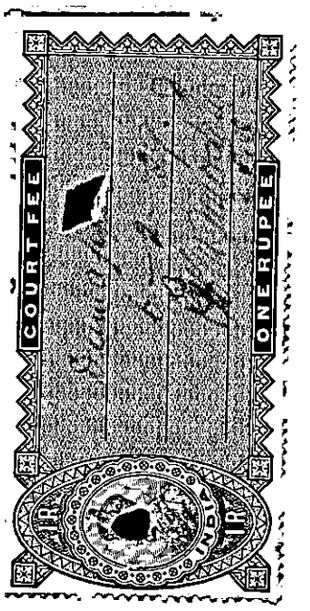
M a d r a s.



Humble petition of Dumappa Pujari, son of - Chennappa Pujari, residing in Iddya Village, Mangalore Taluk, South Kanara District.

Humbly sheweth,

That being highly aggrieved by the enclosed order D. Dis. No. 11241 / 28 dated 31- 12- 28 of the Collector of South Kanara, petitioner most respectfully begs to represent as follows :-



1. That plot S. No. 62/4 belonging to petitioner is only 2 cents in extent and on this trivial plot petitioner could hardly erect his building and it being quite inconvenient to have the roof of the building constructed within this small area petitioner could not but have a small portion of the roof extended on Government land S. No. 62/8A1A.

2. That the removal of this small portion of the roof will not only disfigure the building of petitioner but also it will be impossible to allow rain water to fall out of petitioner's building, and thereby petitioner will be put to great loss to the extent of Rs. 200/ and hardships.

3. That the alleged encroachment of 2 cents is in a part of S. No. 62/8 A 1 A, on the western side of the road and this part is a slope quite unfit for -- camping ground and many a portions of this part ~~have~~ has been already assigned.

4. That to the direct south of his building one Munda Bhandary has been lately assigned 5 cents of -- land in the same line out of the said camping ground together with the plot encroached upon by him by extending the roof of his building and petitioner would suffer gross injustice if he were to be forced to remove the trivial extension or projection of his roof.

5. That petitioner has already paid a --- penalty of Rs. 2/- plus the assessment thereon on 9-9-28.

6. That neither the Tahsildar nor the -- Revenue Divisional officer nor the Collector have been pleased to hold a personal local inspection.

The petitioner therefore most humbly prays that on a favourable consideration of the above facts, and a kind perusal of the records connected, the Honorable -- Commissioner may, after calling for a report of personal inspection, be graciously pleased to assess the encroached plot to petitioner on darkhast or at least on Sivaijama on condition of vacating it whenever the Government requires.

-- 3 --

For which act of justice and kindness petitioner shall ever pray and be ever grateful.

Mangalore.
Dated 6th February 1929.

- ಕೊಂಚಂಪ್ಪಪೂಜಾರಿ

Petitioner.

D.Dis.No.11241-28.

Proceedings of the Collector of South Kanara dated 31st December 1928.

G.T.Wells, Esquire, M.A., I.C.S.

Encroachment - Land - Mangalore Taluk - Iddya village S.No.62/8 A.1 A.3 - eviction - appeal order - review - orders passed.

1. Petition dated 7-12-28 of Doomappa Poojari.
2. Collector's order D.Dis.8087-28 dated 19-10-28.

Order

There are no grounds for revising the order already passed. The petition is rejected.

(Sd) H. Sankara Rao
for Collector.

True Copy.

(By Order)

Huzur Sheristedar.

To

The Petitioner, Doomappa Poojari, S/o Chennappa Poojari Iddya village, Mangalore Taluk through the Tahsildar, Mangalore.

Copy to the Revenue Divisional Officer, Mangalore, (in duplicate)

K.S.R.

121

BOARD OF REVENUE
1 MAR 1929
LAND REVENUE SETTLEMENT

10 11 T3544

Before the Honourable Commissioner,

The Board of Revenue,

(Land Revenue & Settlement),

Madras.

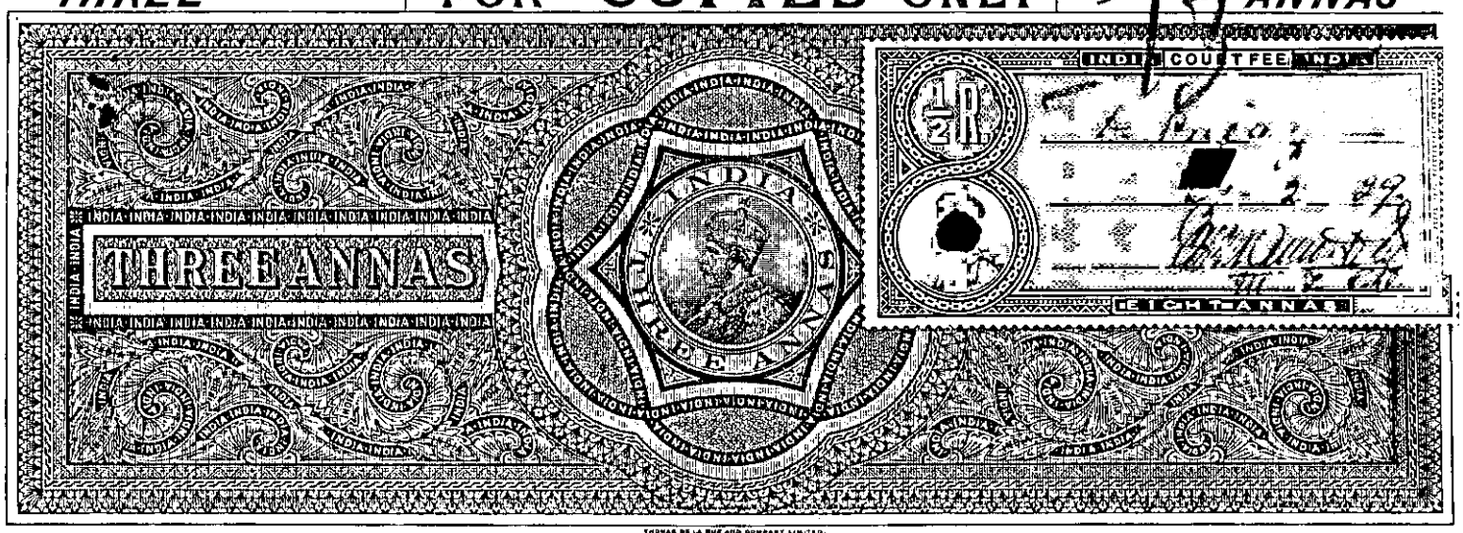
No. B 650/29. P.Card.

Doonappa Pujari - Son of
Cheennappa Pujari -
Iddya village, Mangalore
Taluk - Suratkal P.O.
S. Kanara Dt. } Petitioner

In obedience to this office order —
P.Card No. B 650/29 dated 9-2-29, petitioner begs to
submit herewith a duly Stamped and
Authenticated copy of the Collector's order
D. Dis. 8087/28 · dt 19.10.28.

Mangalore,
27.2.29 } ತಮ್ಮವಿಶ್ವಾಸಿ ಮೋಜರ ಕಾರು -

THREE FOR COPIES ONLY 13 ANNAS



D. Dis 8087-28

Proceedings of the Collector of South Kanara,

Dated 19th October 1928

G. W. Wells Esquire I.C.S.

Encroachment – Land – Mangalore Taluk – Iddya Village – S. No 62 8A, A3 – eviction – Appeal – Orders passed

(1) Petition dated 13.9.28 of Doomappa Poojari.

(2) Mangalore R.D.O's N. Dis 4654/28-2 dated 9.10.28

(3) All the connected records.

Order

The Collector sees no reason to interfere. The appeal is dismissed.

(Signed) H. Sankar Rao
19.10.28
For Collector

78

Extract one only
(True Copy)

105/29 } 20-2-29

20-2-29

26-2-29

26-2-29

Doomappa Pujary

Collector

Copy duly attested by Advocate
26/2

14

b590.
26-9-27.

Com. M. G. Rae

John Amundsen
Dr. A.

Encroachment: Land (S. Kanara)
Mangalore taluk - Saidya village
S.No. 62/6A1A3 . Enchm. petition from D Poojary

A.S.(h R)

Read B.No. 650/ 1929---Q. , pt cf
731- Q pt cf
9uh - Q pt

R. I. 6.4.29 despd
4/4/29

Reference No.B 650/29. dated 4.3.29

11.21.4.29 despd
22/4/29

Forwarded to the Collector of S. Kanara . for submission of the records with remarks on any allegations in the petition which are not clearly dealt with in the records.

4.3.29.

To the Collector of S. Kanara
with petition and enclosures
(to be returned with reply)

pp 1-10; &
12-14 cf

Cert. 4/3/29

Tw 2/3 2-3-29.

Issued 1.4.29.

OM

The appeal is in time and the stamps are sufficient

R.O.C.No- 1428-29. 17 B731

South Kanara Collector's Office,

Mangalore, Dated 12th February, 1929.

From-

W. Wells, Esquire, M.A., I.C.S.,

Collector of South Kanara.

The Secretary to the Board,

Land Revenue & Settlement,

Madras.

Sir,

Encroachment - Land - Mangalore Taluk - Iddya village - S.No. 62/8A1A3 - eviction - petition to the Board - stay of proceedings - report submitted.

The encroacher Dumappa Poojari states that he has approached the Board with a revision petition against my order, D.Dis. 8087-28 dated 19-10-28 passed in appeal, in respect of the encroachment on the above plot and requests that the eviction proceedings may be stayed until the disposal of his above revision petition. The encroachment consists of the projection of the roof of the building of the petitioner. I have ordered the stay of the encroachment proceedings until receipt of the Board's orders on this reference.

Your obedient servant,

K Ramachandra

For Collector.

B731- G. 12.2.29.

ASC(RJ)

Ref: B 650/29-1 dt 18.2.29

the collr. is informed that petn. has been received from Dumappa Poojari and that as it was defective, the petn. has been directed to remedy the defects before 12-3-29.

18.2.29.

DESPATCHED 19.2.29

plcf

To the collr. of S. Kanara. 19.2.29

No. 1

Rev. Department. Branch.

C.F. 98- 132,232—9-9-24.

REMINDER.

BOARD OF REVENUE
11 APR. 1929
LAND REV. & SETTLEMENT

To The Collector of S. Kanara

The undersigned ~~has the honour to invite~~ is directed to invite ~~invites~~ attention to the communication noted in the margin and to request that this reminder may be returned ~~at once~~ with information as to—

(1) the stage at which the matter now is,
(2) the date by which a reply may be expected, ~~and~~
(3) the circumstances which have caused the delay

2. It is requested that the reply to this reminder may be sent not later than

Ref. No. 650/29-2 Dated 4.3.29

Office Bd of Rev

Station Madras

Dated 6/4

L Ramachandra Iyer.
Signature.
for secretary 6.4.29.
Designation.

SUBJECT.

Encl: Mangalore tc. Oddyavge.
S. no. 62/8 A1A3. Erichim D. Poojari

REPLY.

To The Secretary to the Board, Land Revn & resettlement Madras

No. —

7 APR 1929

SOUTH

Resubmitted. The reply to the Board's reference will be submitted by 15.4.29.

V Sankaran
for Collector

8/Apr

AS(hR)

Reminder may be reminded again on 20-4-29 if necessary.

11/4 8-4-29

21

B1661

R.O.C.A1-1428-29.

South Kanara Collector's Office,
Mangalore, 20th April 1929.

From

J. W. Wells, Esquire, M.A., I.C.S.,
Collector of South Kanara.

To

The Secretary to the Board,
Land Revenue & Settlement,
M a d r a s.

Sir,

Encroachment - Land - (South Kanara) - Mangalore Taluk Iddya village - S.No.62/8A1A3 - eviction - petition to the Board - Dumappa Poojari - Report submitted.

****

Board's Reference No.B.650/29-2, dated 4th March 1929.

****

The petitioner having encroached upon S.No.62/8A1A3 (2 cents) forming portion of S.No.62/8A1A which is registered as assessed waste land reserved as military camping ground, the Tahsildar, Mangalore, instituted encroachment proceedings in respect of the above plot in E.C.119/1337. Please see the yesketch dated 23rd March 1929 enclosed. The petitioner appealed to me against the issue of section 6 notice in this case in September 1928, and I dismissed the appeal in my order D.Dis.8087-28, dated 19th October 1928, as the encroachment was objectionable in view of the instructions laid down in B.P.No. 115 L.R. dated 25th June 1900 regarding the occupation of lands reserved as military camping ground. He also sought a re-consideration of the above order in December 1928, but as there were no fresh grounds for revising the order already passed, I rejected his petition in my D.Dis.No.11241-28, dated 31st December 1928.

2. The encroachment consists of the projection of the roof of the petitioner's building in S.No.62/4. A portion of the encroachment also falls within 22 yards of the road margin of the Mangalore-Udipi coast road.

22

3. A total extent of 19.46 acres of assessed waste land was originally reserved as military camping ground in this village. Out of this, 1.37 acres have already been assigned on darkhast from time to time with the result that an extent of 17.31 acres is now available as military camping ground in the village. Please see the list of lands enclosed. The land referred to in para 4 of the petition was assigned agreeably to Mr. Gawne's order D.Dis.No.6617-27, dated 11th November 1927.

to not rec'd
& not materia
p 34

S.no 62.

8A1B	0.05
8A2	0.28
8A4,5, 6,7&8	0.08
[illegible]	0.02
8B	0.92
8A/M1	0.02
	1.37

4. As no lands reserved as military camping ground can be assigned to encroachers without the previous sanction of the Government of India in the Military Department as laid down in the B.P. quoted above, I did not comply with the petitioner's request.

5. The petition to the Board, its enclosures and the records noted in the margin are submitted herewith.

List of records.

(1) D.Dis.No.6617-27.
(2) D.Dis.No.11241-28.
(3) D.Dis.No.8087-28.
(4) E.C.119/1337.
(5) D.R.416/1314.
(6) D.R.2084/1324.
(7) D.R.1064/1325.
(8) D.R.96/29.
(9) D.R.364/1314.
(10) D.R.654/1315.
(11) D.R.233/1322.
(12) D.R.560/1325.
(13) D.R.779/1325.
(14) D.R.485/37.

Your obedient servant,

For Collector.

23.4.29

I.D'S.22/4.

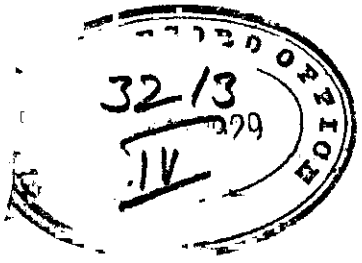
Ref 1.5.29

26.

AS (LRC)

MEMORANDUM. no 650/29 - 3 dt 30.4.29

REQUESTED



BP 115 L.R. dt 25.6.1900.

and connected papers

for B 650/29.

Subject: Instructions regarding occupation of lands reserved as military camping ground.

REVENUE BOARD OFFICE,
(LAND REVENUE),
Madras,
30-4-1929.

Ramachandra Rao
For Secretary.
30.4.29

To

The curator,
Madras Record Office
Egmore
Madras.

D/ BI 15

E. No. 3213 dt 1.5.29

Furnished

The ~~Supt. Asst.~~ Secretary, Board of Rev. LR 18.

Raghavendra
1-5-29
Rev Commr

28
1.5.29

Encroachment: (S. Kanara)

Mangalore tc

Yddyavge · S.no · 62, 8A/1A3 · Eviction

D. Poojari. Revn petn. Orders passed

B 650 — Q pr cf

B 1661 — Q
to Collr pr cf
to Bd petn

Resoln: (Mis) 14.25 of 22 S. 29

The land in questions is ~~registered~~ as 'assessed waste' but reserved for use as camping ground. It is the property of the local Govt. The instructions in

(H) BP. 115 of 25.6.1900 ~~could~~ apply only to lands in charge of the military Department as will be seen from the 'observations' in the proceedings of the Govt of India in the military Deptt. printed in the same BP. Further, the assignment of the extent encroached upon will not impair the use of the maidan beyond the road as a camping ground. The Bd therefore directs that the site occupied by the petr shd be assigned to them under the rules

2 The petr. is referred to

collr. for orders on this petn. read above.

Ten
17/5
17.5.29.

To the collr of S. Kanara.

with records as per list

petr para 2 only with an indication noticed

Dumappa Pujari
-A-
son of Chennappa Pujari

Addya vge.

Mangalore tq

S Kanara dt

Rep. accepted

~~M.K~~

~~RS (HR)~~

Encroachment: (S. Kavara)

Mangalore tk

Siddya Vge. S.no. 62 8A/1A3. Eviction

D. Poojari. Revn petn.

BP. LR/25.6.1400 (H)
" 3331 M/ 9.11.27 (C)
" 371 M/ 2.2.29 (N)
B. 650 pp 1-5 c/f
B 1661. pp 21-22 c.f.

~~To A.S~~.

The Collrs report at pp 21-22 c.f. is clear

2. The petr. admits the encroachment but pleads necessity and points out that the site in question is unfit for camping ground and that there can be no objection to its assignment in view of the fact that many plots in the same s.no. have already been assigned: He requests permanent assignment or in the alternative permission to occupy the site on condition of vacating it whenever the Govt. requires

3. The encroachment covers only 2 cents and is to the west and north of the petr's house in S.no. 62/4. The northern encroachment consists of a tiled roof on palmyrah rafters

p12 of (T)

projecting from the wall of the building
in S.no. 62/4 and bamboo pillars
and rafters made up of bamboos.
The western encroachment consists of
a sloping pandal with cadjan rafters
and thatched roof on bamboos.
The encroached portions have been
used as a cowpen and bath room.

The applⁿ. for assignment was p. 2 of in (S)
refused only on the ground that
the sanction of the Govt. of India
was reqd. according to Pop. 115 & R 97
25.6.1900. D.O. for consideration
whether the instructions in (H) do
apply to the present case. In their
letter to the Govt. of India dt 18.8.27. p 25 of (C)
the local Govt. have held that
the camping grounds in Madras except the
one at Erode were reserved by
the local Govt. that they were not
maintained exclusively for
military purposes or at the cost of
the Govt. of India. the military pp 25.26, ibid
authorities stated in Jan. 1928 that
the question of relinquishment of
certain camping grounds in Madras
was under consideration and
that a separate communication would

be made on the subject. This
separate communication is in
in this
There is no mention of the campi
ground now in question which b
way is not camping ground
parambikka but assessed wa
reserved for use as camping
ground. The 'observations' in (
will show that the instructions
therein apply only to land in cl
of the military Deptt. As the
present camping ground now
question is the property of the
local Govt. The instructions in
do not seem to apply to it.
Further. The site now in question
lies close to plots already assign
and is on the western side of the
road which separates the open
maidan which alone can be use
as camping ground and the plo
already assigned. The extent
involved is trivial (2 cents) and
the use of the rest of the ground will
not in any way be affected if
the 2 cents are assigned. Forest
R.V. 7/5. that a portion of the enett
falls within 22 rods of the

This ref. to be
pointed out to the
Dy C. Kannur
HKS

Plan attached
ap 2.3.4

of the Mangalore Udipi road does not seem to affect the assignment of the land. which is 'assessed waste' if it is borne in mind that S.no 62/8A8 which very nearly touches the road has already been assigned. For orders.

Research on p 230 of

whether the Coll's order may be set aside and assignment ordered accg. to rules.

11.5.29.

I agree. See marginal note.

14/5

16.5.29.

To A S (LR)

Draft submd

21.5.29

Flags N & C removed for another file

17.5.29

21.5.29